



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

Agency: Department of Social and Health Services, Public Affairs

Subject of possible rule making:

The Division of Vocational Rehabilitation (DVR) plans to:

- (1) Repeal outdated WAC on Independent Living (WAC 388-890-0780 through WAC 388-890-1095);
- (2) Clarify the supported employment time-limit (WAC 388-891-870);
- (3) Amend a section to reflect that individuals will be considered successfully rehabilitated in supported employment if they maintain a supported employment placement for 60-days after making the transition to extended services (WAC 388-891-885);
- (4) Delete supported employment as criteria for Priority Category #1 in Order of Selection (WAC 388-891-0520);
- (5) Delete receiving Title II or Title XVI Social Security benefits as criteria for Priority Category # 2 in Order of Selection (WAC 388-891-0530);
- (6) Increase the number of days an individual may request a fair hearing from 20-days to 45 calendar days (WAC 388-891-0255);
- (7) Add WAC that DVR cannot support an employment goal that is religious in nature; and
- (8) Amend, repeal or add other related rules as appropriate.

Statutes authorizing the agency to adopt rules on this subject:

34 Code of Federal Regulations, Part 361; 34 Code of Federal Regulations, Part 363; 34 Code of Federal Regulations, Part 365; RCW 74.29.020 (8).

Reasons why rules on this subject may be needed and what they might accomplish: See Attachment

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

U. S. Department of Education, Rehabilitation Services Administration (RSA); Washington State Rehabilitation Council (WSRC); Washington State Department of Services for the Blind (DSB). Consultation, review and comment will be used for coordinating the rule making process.

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study
- ☒ Other (describe)

DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.) Contact:

Michael Cunningham, Program Administrator (360) 725-3621 e-mail: cunnim@dshs.wa.gov
Kelly Boston, Planning and Evaluation Administrator (360) 725-3613 e-mail: bostok@dshs.wa.gov
DSHS Division of Vocational Rehabilitation 1-800-637-5627 (TTY) Fax (360) 438-8007
P.O. Box 45340 Olympia, WA 98504-5340

DATE

9/19/06

NAME (TYPE OR PRINT)

Andy Fernando

SIGNATURE

TITLE

Manager, Rules and Policies Assistance Unit

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 19, 2006

TIME: 9:52 AM

WSR 06-19-077

Attachment to CR 101

Reasons why rules on this subject may be needed and what they might accomplish:

1. Previously, some DVR offices provided IL services directly to customers. IL services are now provided by IL vendors. Repealing these outdated rules will reduce confusion about IL services.
2. Clarifying the time-limit for supported employment.
3. Amending the WAC to be consistent with federal regulations (34 CFR 363.55) to reflect that an individual will be considered successfully rehabilitated in supported employment if they maintain a supported employment placement for 60-days after making the transition to extended services. (The current timeframe is 90-days).
4. Deleting reference to supported employment as criteria for Priority Category # 1 for Order of Selection addresses a finding by the Rehabilitation Services Administration (RSA) that a type of service cannot be criteria for a priority category.
5. Deleting reference to receiving Title II or Title XVI Social Security benefits for Priority Category # 2 for Order of Selection addresses a finding by the Rehabilitation Services Administration (RSA) that Social Security benefits cannot be criteria for a priority category.
6. Increasing the number of days an individual may file for a fair hearing from 20-days to 45 calendar days will give individuals more time to request a fair hearing.
7. Adding WAC to clarify that DVR is prohibited from supporting an employment goal that is religious in nature under Washington State Constitution, Article 1, Subsection 11.
8. Amending, repealing or adding other related rules as appropriate.